

### **III. REMARKS**

The applicants have amended the claims to correct a minor typographical error. Specifically, the acronym for the American Tissue Culture Collection is incorrect due to a simple typographical error. The applicants have corrected this inadvertent error. No new matter has been added.

In addition, the applicants have also submitted an informal replacement figure for Figure 5A. The applicants have discovered two errors in the sequence of the 16C10 light chain antibody shown in Figure 5A. In view of this discovery, the applicants are submitting a substitute Sequence Listing and an informal replacement Figure 5A, both of which sets forth the correct sequence of the 16C10 light chain antibody.

In Figure 5A, the applicants have (1) replaced "V" at amino acid position no. 23 with "A"; (2) replaced "T" at nucleotide position no. 68 with "A"; (3) replaced "S" at amino acid position no. 138 with "T"; and (4) replaced "T" at nucleotide position 412 with "A". The applicants submit that the amended Figure 5A does not constitute new matter because support for the correct sequences can be found in the ATCC deposit, which was deposited with the ATCC on May 29, 1996.

Similarly, the applicants submit that the substitute sequence listing does not contain new matter since support for the correct sequences can also be found in the ATCC deposit information, specifically via the amendment filed September 22, 2004. Pursuant to 37 C.F.R. § 1.804(b), the amendment states that the biological material deposited, i.e., hybridoma 16C10, is the biological material specifically identified in the application as originally filed.

The applicants have amended SEQ ID NOS:9 and 10 in the following manner. In SEQ ID NO:9, the nucleotide nos. 67-69 has been changed from "gtc" to "gcc" while the corresponding amino acid has changed from "Val" to "Ala". Nucleotide no. 412-414 has been changed from "tcg" to "acg" while the corresponding amino acid has changed from "Ser" to "Thr". In SEQ ID NO:10, the applicants have amended the amino acid at position 23 from "Val" to "Ser" and the amino acid at position 138 from "Ser" to "Thr". The applicants assert no new matter has been added.

The applicants, through their undersigned attorney, hereby state that the nucleotide and amino acid sequence of ATCC Deposit Accession No. HB-12119 is the same as the sequence filed in the substitute Sequence Listing submitted herewith and do not constitute new matter. If necessary, a declaration from the applicants attesting that the newly amended

16C10 light chain sequence is identical to the sequence deposited with the American Type Culture Collection will be submitted.

#### IV. CONCLUSION

Should the Patent Office have any questions or concerns regarding the foregoing, the undersigned may be contacted at the number indicated below. Please credit or debit Deposit Account No. 03-3975 as needed to ensure consideration of the RCE and this amendment.

Respectfully submitted,



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